IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

Abdul Majid CHAUDHRY	:	
	:	
Plaintiff,	:	
	:	C.A. No. 07-120-***
v.	:	
	:	
MICHAEL CHERTOFF, et al.	:	
	:	
Defendants.	:	

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF DEFENDANTS' AMENDED MOTION TO DISMISS**

COLM F. CONNOLLY
United States Attorney

By: Seth M. Beausang (I.D. No. #4071)
Assistant United States Attorney
1007 N. Orange Street, Suite 700
Wilmington, Delaware 19801
Dated: September 12, 2007.   (302) 573-6277

1.   On February 27, 2007, Plaintiff filed the present action seeking a writ of mandaums to compel Defendants to schedule a hearing "at which Plaintiff can have the Oath of Allegiance administered and or [] naturalizing [him] as United States Citizen." (Compl. ¶ 23.)

2.   On June 7, 2007, Plaintiff appeared before the United States District Court for the District of Delaware, took his oath of allegiance, and was naturalized as a citizen of the United States. (See Ex. A.)

3.   Plaintiff's Complaint should therefore be dismissed for lack of subject matter jurisdiction. Because Plaintiff has obtained the relief he seeks, Plaintiff's Complaint should be dismissed as moot. See, e.g., Shi v. Chertoff, No. 06-CV-0470-CVE-FHM, 2006 WL 3253107, at *1 (N.D. Okla. Nov. 8, 2006) ("Plaintiff filed her I-485 and applied for permanent residence on October 2, 2002. She filed this action on September 11, 2006 on the ground that defendants improperly delayed the processing of her application. However, the United States Citizenship and Immigration Services ("CIS") has approved her application. See Dkt. # 13, Ex. A. Since there is no further substantive relief sought by plaintiff, this action is moot, and the Court dismisses the action for lack of subject matter jurisdiction.").

DATED: September 12, 2007.   Respectfully Submitted,

                                                   COLM F. CONNOLLY
                                                   United States Attorney

                                        By:_____ /s/ Seth M. Beausang_____
                                            Seth M. Beausang (I.D. No. 4071)
                                            Assistant United States Attorney
                                            The Nemours Building
                                            1007 Orange Street, Suit 700
                                            Wilmington, DE 19801
                                            (302) 573-6277

EXHIBIT A

THE UNITED STATES OF AMERICA

CERTIFICATE OF NATURALIZATION

No. 30524428

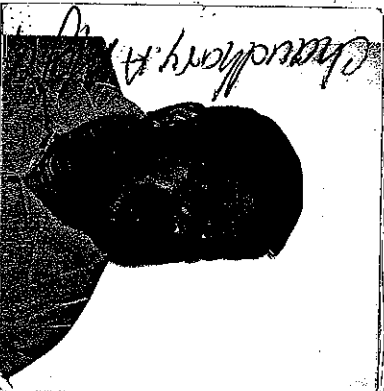*Personal description of holder as of date of naturalization:*

Date of birth: OCTOBER 15, 1957

Sex: MALE

Height: 5 feet 4 inches

Marital status: MARRIED

Country of former nationality: PAKISTAN

CIS Registration No. A046972552

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

Chaudhary Abdul Majid

(Complete and true signature of holder)

Be it remembered, that ____ proceeding ____ residing in the United States when so required by the Naturalization Laws of the United States and had in all other respects complied with the applicable provisions of such naturalization laws, and was entitled to be admitted to citizenship, such person having taken the oath of allegiance at a ceremony conducted by the

US DISTRICT COURT OF DELAWARE

at WILMINGTON, DELAWARE

on JUNE 01, 2007

such person is admitted as a citizen of the United States of America.

The Secretary of Homeland Security having found that

CHAUDHARY ABDUL MAJID

then residing at PHILADELPHIA, PENNSYLVANIA

in Philadelphia County

[Signature]
Director, U.S. Citizenship and Immigration Services

DEPARTMENT OF HOMELAND SECURITY

FORM N-550 REV. 4/04

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